

Assembly Bill 1420 (2007)  
Independent Technical Panel on Demand Management Measures  
Charter  
May 2013

## **Background and Purpose of the ITP**

In 2007, the California Legislature passed AB 1420 which provisioned urban water supplier grant eligibility on the implementation of demand management measures. The bill also directed the California Department of Water Resources (DWR) to convene an Independent Technical Panel (ITP) to provide information and recommendations to DWR and the Legislature on new demand management measures (DDM), technologies, and approaches. The ITP is to report to the Legislature on its findings.

DWR is to review the ITP's report and provide DWR's recommendations and comments regarding the ITP process and ITP recommendations in the final report to the Legislature. The ITP is subject to the Bagley Keene Open Meeting Act (California Government Code sections 11120-11132) because it is a legislatively-created state body. The Act defines a 'state body' as "every state board, or commission, or similar multimember body of the state which is required by law to conduct official meetings." See Government Code section 11121.

DWR is convening the ITP as it implements the provisions of SB X7-7 (2009 Water Conservation Bill). In 2010 DWR convened an urban stakeholder committee (USC) to provide advice to DWR on the implementation of other provisions of SB X7-7. The ITP will consider comments from the public and any comments the USC may have as the ITP deliberates the demand management measures.

## **Scope of ITP**

The legislative directive:

10631.7.

*The department, in consultation with the California Urban Water Conservation Council, shall convene an independent technical panel to provide information and recommendations to the department and the Legislature on new demand management measures, technologies, and*

*approaches. The panel shall consist of no more than seven members, who shall be selected by the department to reflect a balanced representation of experts. The panel shall have at least one, but no more than two, representatives from each of the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers, and academia. The panel shall be convened by January 1, 2009, and shall report to the Legislature no later than January 1, 2010, and every five years thereafter. The department shall review the panel report and include in the final report to the Legislature the department's recommendations and comments regarding the panel process and the panel's recommendations.*

## **Meeting Schedule and Requirements**

The purpose of the ITP is to submit a report on DMMs to the Legislature by December 31, 2014. If for unseen circumstances, the ITP is not able to meet the December 31st deadline, the ITP will continue up to December 31, 2015 to complete the Legislative report. Meetings will be held on a bimonthly basis beginning in May of 2013. DWR, in coordination with the ITP, will develop a date specific long term meeting calendar for the process. The ITP Calendar will be posted on DWR's ITP Project Website.

Meeting sites will vary by geographic location (northern to southern California). DWR will ensure that all ITP meetings are open to the public and that meeting agendas are available to the public 10 days prior to the ITP meetings.

A scheduled meeting will take place only if 5 members of the ITP are present. For the purposes of the ITP, 5 members will be considered a quorum.

### **ITP Meetings**

The ITP may hear presentations from subject matter experts on a topic and then discuss the topic and make draft recommendations. At the start of the subsequent meeting, the ITP will review the summary of the previous meeting topic(s), and confirm or modify draft recommendations for the topic(s). The ITP may change draft recommendations as it prepares the final report.

### **Legislative Report**

Each topic chosen will be the basis for one chapter in the legislative report. DWR staff will compile the information presented, and recommendations developed at the ITP topic meeting into a stand-alone topic chapter. Each topic chapter will be sent to the ITP for review before the subsequent meeting.

## **Public Workshops and Forums**

At the conclusion of the topic meetings, DWR staff will compile the topic chapters into a draft final report. The ITP will review the draft final report and will provide comments for subsequent discussion by the ITP. Once the ITP has completed its review and revision of the draft final report, DWR will post it online for public review and comment. The ITP may also hold public workshops to solicit comments from the public.

## **Final Review and DWR Comments**

After the public comment period, the ITP will meet to consider comments and any final revisions to the legislative report. The final report will be submitted to DWR. DWR, per the legislative directive, will review the report and include in the report, DWR's recommendations and comments regarding the ITP process and ITP recommendations. DWR will complete its review process, make recommendations and submit the report to the legislature within 90 days of receiving it. DWR will submit the ITP Legislative Report including DWR's comments and recommendations to the Legislature.

## **ITP Membership and Participation**

As stated in the legislation, the ITP is convened by DWR in consultation with the California Urban Water Conservation Council (CUWCC). ITP administration and technical assistance will be provided by DWR with assistance from the CUWCC. The ITP panelists are invited by DWR to participate, based on the specific legislative criteria of having no more than seven members with at least one but no more than two representatives from the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers and academia. Working with the CUWCC, DWR selected representatives for each of the designated categories based on technical knowledge and geographic representation.

ITP members in accepting the invitation to be a member of the ITP agreed to consistent attendance at ITP meetings. Members are expected to attend every meeting, as such, the ITP will not use alternates for member representation.

Facilitation will be provided by the California State University Sacramento, Center for Collaborative Policy (CCP).

## **Roles and Responsibilities**

### DWR will:

1. Administer the ITP activities through the completion and submittal of the final report to the Legislature.
2. Function as the host agency, convene all meetings, prepare meeting materials, and arrange logistics.
3. Provide technical and administrative staff support to the ITP, including development of materials, maintenance of a website, recording and publication of meeting notes, and other means.
4. Serve as a “clearinghouse” for information.
5. Develop text and format work products.
6. Provide and update a project timeline and schedule to help manage assignment deadlines.
7. Prepare the draft and final report as described in this charter.
8. Appraise the ITP of DWR’s likely comments and recommendations.
9. Reimburse Members with eligible travel expenses for attending the ITP meetings

### CUWCC will:

1. Serve as member of the ITP project management team
2. Advise DWR on the selection of panelist and management of the ITP
3. Assist DWR to identify technical resources and writing of the ITP report
4. Assist DWR to collect data and conduct data analysis

### Facilitator(s) will:

1. Serve as professional neutral(s) among and between all participants (i.e. ITP, DWR, CUWCC, public stakeholders) and be responsible to manage dialogue in meetings and oversee the provisions of this charter.
2. Design, implement and refine (as needed) a consensus-seeking process (as described below).
3. Facilitate ITP meetings.
4. Receive input items of a personal or process nature from ITP members. (Not substantive technical or policy issues that should be discussed in open session.)
5. Ensure that all points of view held by ITP members are heard and considered by other ITP members.
6. Act as professional neutral(s) in terms of the outcome of the ITP work products.
7. Review the notes summaries of all meetings for clarity, accuracy and equitableness.

## **Communication**

When communicating outside of the ITP meetings, Members are asked to speak only for themselves when asked about the ITP progress, unless there has been adoption of concepts or final recommendations by the ITP that have been agreed to be publicly released by the ITP. Suggested text for such statements may be developed by DWR and facilitators or may be offered by a Member.

DWR will inform the ITP of any relevant materials it develops in cooperation with USC. As per the requirements of the Bagley Keene Act, meeting announcements and agendas will be sent out at least 10 days before each ITP meeting. Agendas and announcements will identify the meeting location(s). DWR will make a good faith effort to send out meeting materials at least 3 days prior to ITP meetings. DWR will send out meeting summary notes within three weeks after each meeting.

Staff will be available to provide presentations about the ITP's work at meetings, conferences, or other forums. Email, media releases, and an ITP Project webpage on DWR Website will be available for communication and public participation. All ITP materials, information on meetings and documents will be posted on the ITP Project website.

## **Values and Principles**

This is a consensus seeking, collaborative process. ITP members will seek to:

- Establish a common factual base and vocabulary in order to address issues in an efficient and respectful manner.
- Ensure a thorough understanding of their interests and the interests / perspectives of the other ITP Members.
- Problem solve in good faith, with the intent to satisfy as many of the varied interests of all ITP Members possible.

While all parties are expected to act in good faith, it is expressly understood that no party is asked to waive any right or to forego any obligation related to water resource issues. To facilitate these values and principles, ITP Members agree to the following:

- To the extent possible and without jeopardizing any legal rights or activities, any member of the ITP who anticipates taking an action which will impact either the collaborative process or other parties engaged in the process, will disclose their action in advance (such disclosure is not intended to restrict action but to inform other participants). Examples of such activities include introduction of legislation or legal action, staging of press conferences, or release of reports.

- In the interest of preserving working relationships within the collaborative process, such disclosure will be made at the earliest time possible.
- In those circumstances in which for whatever reason, advanced disclosure of an intended action is not possible, ITP Members are asked to attempt to mitigate any negative consequences of an intended action by taking actions that could include, but not be limited to: consultation with staff or facilitators, concurrent special notification to all interest groups, and/or side-bar conversation with other affected parties as soon as possible following an action.

## Decision Making

The ITP will make decisions about administrative matters and about demand management measures recommendations to the Legislature. Administrative decisions are about the day-to-day activities of the ITP (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules, etcetera). All administrative decisions will be made on a simple majority vote.

Regarding demand management measures recommendations, it is in the best interest of the ITP and the Legislature for the ITP to achieve broad agreement. Therefore, the ITP will seek to reach consensus on these decisions, however, consensus will not be required. Should consensus not be achieved in early discussions, the ITP will decide (through facilitated discussions) how much more effort to put into achieving a consensus conclusion about a discussion topic.

The consensus decision method is based on principles of “consensus with accountability”. Consensus with accountability requires all ITP Members to try to reach consensus. In the event a Member must reject a proposal, that Member is expected to provide a counter proposal that legitimately attempts to achieve their perspective, and the perspectives of the other Members. When seeking consensus, the ITP will not vote and will not seek to identify numeric “winners and losers” on key topics. Rather, the ITP will seek mutually acceptable and beneficial conclusions.

In seeking consensus on a draft recommendation, Members will voice their opinions with specific proposals along the way, rather than waiting until a final recommendation has been developed. At all times, Members will ensure that they are providing input commensurate to their prescribed role. The basic decision-making process is as follows:

**Straw Polls:** Members and the facilitator(s) will use straw polls to assess the degree of preliminary support for an idea before it is submitted as a formal proposal for final consideration by the ITP. Members may indicate only tentative approval for a preliminary proposal without fully committing to its support.

Consensus Decisions: The ITP will be deemed at consensus when all Members express ability to either support a proposal / recommendation, or at a minimum express a willingness to “live with” a proposal / recommendation and not reject it.

If consensus cannot be reached, decision-making will defer to a majority rule method. All decisions to include a recommendation in the Legislative report must be approved by at least five ITP Members. In these circumstances, Members opposed to a recommendation will be allowed to prepare statements to be included in the Legislative Report that express their perspectives about the recommendation.

## Operating Rules

The ITP will utilize standing operating rules to ensure efficient and respectful discussions. ITP Members agree to:

- Listen and openly discuss issues with others who hold diverse views
- View disagreements as problems to be solved rather than battles to be won
- Not engage in stereotyping and personal attacks on other Members, support staff, or participating members of the public
- Not ascribe motives or intentions of other Members, support staff, or participating members of the public
- Respect the integrity and values of other Members , support staff, or participating members of the public
- Keep commitments once made
- Honor meeting times
- Follow 25-mile rule for phone use during meetings
  - *Electronic devices should be in the “silent” or “off” mode. If an individual receives a call, the call should be taken IF the caller would have driven 25 miles to deliver the message in person. In other words, phone business that causes you to leave the room should be urgent. If calls are not urgent you are asked to wait for breaks or meals to return calls*
- Appreciate humor but not engage in humor at the expense of others.

## Open Process

- Meetings of the ITP will be open to the public. Agendas will be sent out in advance of the meetings and posted on DWR’s ITP Project Website. At each meeting, the public will be given an opportunity to comment. This will be a facilitated process and occur at specified times on the agenda.
- Members of the public are expected to adhere to the same ground rules as ITP Members.

## Other

The ITP Charter describes the work of the group. Changes may be made to the Charter with the concurrence of the Members, DWR, and CUWCC by utilizing the Charter decision-making process.

## Resources

### DWR Staff

Manucher Alemi- Chief, Water Use and Efficiency Branch

Peter Brostrom- ITP Project Manager, Water Use and Efficiency Branch,  
(916) 651 7034, or [Peter.Brostrom@water.ca.gov](mailto:Peter.Brostrom@water.ca.gov)

Joanne Tang - Water Use and Efficiency Branch

(916) 651 9847, or [joanne.chu@water.ca.gov](mailto:joanne.chu@water.ca.gov)

Julie Saare-Edmonds - Water Use and Efficiency Branch

(916) 651 9676 , or [julie.saare-edmonds@water.ca.gov](mailto:julie.saare-edmonds@water.ca.gov)

Project Website address:

<http://www.water.ca.gov/wateruseefficiency/sb7/committees/urban/u2/>

### CUWCC

Chris Brown, Executive Director

916/552-5885, or [chris@cuwcc.org](mailto:chris@cuwcc.org)

### Facilitation Staff

California State University Sacramento, Center for Collaborative Policy

Dave Ceppos – Lead Facilitator (non-voting participant)

916-445-2079, or [dceppos@ccp.csus.edu](mailto:dceppos@ccp.csus.edu)

**The following is potential language the ITP may consider regarding the election of a panel chair:**

The following suggested text refers to “Chairperson” as requested for consideration by the ITP during their first meeting on May 2, 2013. The proposed role currently referred to as “Chairperson” may more accurately be defined in the ITP Charter as “Project Team Liaison (PTL)

ITP Members (or alternates) will:



1. Identify a Chairperson to support the process. The Chairperson will work with staff from CUWCC and DWR, and the facilitator to review and modify ITP meeting agendas, assess the status of ITP, DWR, CUWCC, and technical consultant assignments, and act as the formal external speaker on behalf of the ITP (when warranted and after having vetted comments / perspectives with the ITP in advance; selection methods for the Chairperson are described below in the “Decision-Making” section).

Chairperson Selection: Chairpersons will be selected by a simple majority of all voting members present. Chairpersons may be self-nominated, or nominated by other ITP members. In the case of two or more ITP members running for Chairpersonship, the selection will go to the member that receives a simple majority. Should no member achieve a simple majority on an initial vote, the two members receiving the most votes will take part in a runoff to select the Chair.

Chairperson Term: A Chairperson will serve a one year term. On completion of that term, the Chairperson may be considered for an additional term or may step down from the position. There are no term limits for Chairperson.

Amendment of Charter: The ITP may amend this Charter by following the same decision rule set forth above. Amendments may be proposed by the Chairperson, or by other ITP Members during or between meetings to the Chairperson. The proposal will be agendaized for discussion and possible action, using the consensus decision rule process, at the next meeting.